

Senatorial
Districts.

FIFTIETH DISTRICT.

The fiftieth (50th) district shall be composed of the counties of Wilkin, Clay and Becker, and shall be entitled to elect one (1) senator and three (3) representatives.

FIFTY-FIRST DISTRICT.

The fifty-first (51st) district shall be composed of the counties of Polk, Beltrami and Norman and shall be entitled to elect one (1) senator and three (3) representatives.

FIFTY-SECOND DISTRICT.

The fifty-second (52d) district shall be composed of the counties of Marshall and Kittson, and shall be entitled to elect one (1) senator and one (1) representative.

FIFTY-THIRD DISTRICT.

The fifty-third (53d) district shall be composed of the counties of Aitkin, Cass, Itasca, Hubbard, Wadena and Carlton, and shall be entitled to elect one (1) senator and one (1) representative.

FIFTY-FOURTH DISTRICT.

The fifty-fourth (54th) district shall be composed of the counties of St. Louis, Lake and Cook, and shall be entitled to elect one (1) senator and three (3) representatives.

Districts not
affected by
change in
township lines.

SEC 3. That in the event of any change in the county and township lines affecting the districts provided in section two (2) of this act the senatorial and representative districts shall not be affected thereby.

Inconsistent
acts repealed.

SEC. 4. All acts and parts of acts inconsistent with this act are hereby repealed.

When act to
take effect.

SEC. 5. This act shall take effect and be in force from and after its passage.

Approved April 22d, 1889.

CHAPTER 3.

[H. F. No. 2.]

AN ACT RELATING TO ELECTIONS IN CITIES OF TEN THOUSAND (10,000) INHABITANTS AND OVER.

Be it enacted by the Legislature of the State of Minnesota:

Time of hold-
ing elections.

SECTION 1. On the first (1st) Tuesday after the first (1st) Monday in November of each even numbered year an election shall be held in the several election districts of the state, which shall be known as the general election; and the several state and county officers, judges of the supreme and district courts, members of the legislature and

representatives in congress of the United States, shall be elected at the general election next preceding the expiration of the term of each of the said officers respectively, and on a year when a president and vice-president of the United States are to be chosen, a number of electors of president and vice-president of the United States equal to the number of senators and representatives to which this state is entitled in the congress of the United States, shall be elected at said election.

SEC. 2. Every ward of each incorporated city containing ten thousand (10,000) inhabitants or over shall form at least one (1) election district, but no election district in any incorporated city shall contain more than four hundred (400) voters; and whenever any election district is found by the number of votes there cast at any election to contain more than four hundred (400) voters, it shall be the duty of the common council, municipal corporation of the city, to cause such districts, at least six (6) weeks before the next ensuing general city election, to be divided into two (2) or more districts, each containing, as nearly as may be, an equal number of voters. When every ward shall be divided into two (2) or more districts in an incorporated city, the common council or municipal corporation shall publish the same by making a map or description of such division, defining it by known boundaries, and keeping such map or description open for public inspection in the office of the clerk of such city; and also by posting up copies of such map or description in at least ten (10) of the most public [places] in every district of such ward; and the common council or municipal corporation shall also, prior to the next election, furnish copies of such map or description to the judges of election in each district of such ward.

Election districts, how formed.—No. of voters in each.

Maps of election districts.

SEC. 3. The city council of all cities containing a population of ten thousand (10,000) and over shall appoint three qualified electors of each election district of said city, who shall be judges of election in their election districts respectively, and who shall appoint two (2) qualified electors of their election districts as clerks of election. The election shall be held in such election district at the place where the last preceding election was held, except as hereinafter provided; but if in any town a vote is taken to hold it elsewhere, the next ensuing election shall be held at the place designated by such vote. The city council of every [such] city shall, by ordinance, appoint the place of holding the election in each election district in said city, and no more than two (2) judges and one (1) clerk of election shall belong to the same political party.

Judges and clerks of election, by whom appointed.

Places of holding elections.

SEC. 4. The secretary of state shall, between the first (1) days of July and September in each year, direct and cause to be delivered to the auditor of each county a notice specifying all the officers whose term of office will expire

on the first (1) Tuesday of January next succeeding, and specifying, also, the several officers to be chosen in such county at the next general election. The auditor to whom such notice is delivered shall, upon the receipt thereof, cause a like notice to be sent to each city clerk in his county. Every city clerk, at least fifteen (15) days before the holding of any general election, and twenty (20) days before the holding of any special election, shall give public notice of the time and place of holding such election by posting in three (3) public places in every election district three (3) notices containing a list of the officers to be elected at such election, one (1) of which notices shall be posted up at the place of holding the election. Said notices shall contain, also, the hours during which the polls will be open; *provided*, that no failure of any clerk to give such notice aforesaid shall invalidate an election.

Notices of election, how to be given.

Inmates of soldiers' home, residence.

SEC. 5. *Provided*, That any person being an inmate of any soldiers' home in this state shall, for the purposes of this act, have a legal residence thereat. The judges of election in determining the residence of any person, for the purpose of ascertaining who are qualified electors, shall be governed by the following rules so far as they are applicable:

Residence of voters, how determined.

First. The place shall be considered and held to be the residence of a person in which his habitation is fixed without any present intention of removing therefrom, and to which, whenever he is absent, he has the intention of returning.

Second. A person shall not be considered to have lost his residence who leaves his home to go into another state, or county in this state, for temporary purposes merely, and with the intention of returning.

Third. A person shall not be considered to have gained a residence in any county into which he comes for temporary purposes merely, without the intention of making such county his home.

Fourth. If a person go into another state with the intention of making it his residence, he loses his residence in this state.

Fifth. If a person remove to another state with the intention of remaining there for an indefinite time, as a place of residence, he loses his residence in this state, notwithstanding he entertains the idea of returning at some future time.

Sixth. The place where a man's family resides shall be held to be his place of residence; but if it be a place of temporary establishment for his family, or for transient purposes, it shall be otherwise.

Seventh. If a man have a family fixed in one place, and he do business in another, the former shall be considered his place of residence; but any man having a family, who has taken up his abode with the intention of remain-

ing and whose family refuses to reside with him, shall be regarded as a citizen and voter where he has taken up his abode.

Eighth. The mere intention to acquire a new residence, without the fact of removal, shall avail nothing, neither shall the fact of removal without the intention. And no person employed temporarily in the construction or repair of any railroad, canal or other work of public nature, shall acquire a residence in any election precinct into which he came for that purpose, so as to entitle him to vote therein; but this provision shall not be held to extend to station agents and section men who permanently reside in such election precinct. In any question that may arise as to the right of any person in the employment of any railroad corporation to be registered, or to vote, in any election precinct, it must first satisfactorily appear to all the judges of such election that the said party is an actual bona fide resident of said election district, and not there for temporary purposes merely; and the mere affidavit of such person shall not be received as conclusive as to any fact necessary to entitle him to vote.

SEC. 6. If either of the judges of election of any election district shall fail to attend at the time and place appointed for correcting the list of registers, or holding an election, or if either of said judges be a candidate at such election or refuses to act as judge, the qualified electors of such election district present shall elect viva voce some qualified elector of said election district to act as judge, instead of such judge so absent, disqualified or refusing to act; and if any clerk of election be absent, disqualified or refuse to act, the judges of election shall appoint some qualified elector in place of such clerk; and before any judge or clerk of election enters upon the discharge of the duties imposed upon him by this chapter he shall take and subscribe the following oath, to wit:

"I, A. B. (judge or clerk of election, as the case may be) do solemnly swear (or affirm) that I will perform the duties of judge or clerk of the election (as the case may be) according to law and the best of my ability, and will studiously endeavor to prevent fraud, deceit and abuse in conducting this election, so help me God," which said oath, so taken, subscribed and certified, shall be affixed to the said list or register provided for in section sixty-six (66). If there be no person present authorized to administer oaths, then the judges of election may administer to each other, and to the clerks, the oath above provided.

SEC. 7 No person shall be eligible as judge or clerk of election unless he be a qualified voter within the election district in which he acts, nor unless he can read and write and speak the english language understandingly.

SEC. 8. The polls in the several election districts shall be opened at six (6) o'clock in the morning and shall be

Vacancies in board of registration, how filled.

Oath of judges and clerks.

Eligibility for judge or clerk.

Polls, time of opening and closing.

kept open until five (5) o'clock in the evening. No adjournment or intermission whatever shall take place until the same be closed and until all the votes cast at such poll have been counted and the result publicly announced.

Duties of
sheriffs and
constables.

SEC. 9. The judges of election may appoint one (1) or more special constables to attend to each place of election. It shall be the duty of the sheriff, constable or special constable to keep the surroundings of the polls quiet and orderly, and during voting hours to allow no person to approach within six (6) feet of the ballot boxes, or to pass behind the railing or within six (6) feet of the booth or ballot compartments hereinafter provided for, except electors engaged in receiving, preparing or depositing their ballots, without permission of the judges of the election.

Judges may
swear in pri-
vate citizens to
enforce order.

If any of the above named officers neglect to perform that duty, then the judges of the election shall swear in enough private citizens to enforce order, who shall have power as constables, or conservators of the peace, to make arrests for breach of the peace. And any police officer or constable attending the election may call to his aid a sufficient number of citizens to arrest any disorderly person or suppress any riot or disorder during the election. Whoever conducts himself in a riotous or disorderly manner at any election, and persists in such conduct after being warned to desist, may be arrested without warrant.

Challengers.

SEC. 10. The judges of election shall allow one (1) eligible voter of each political party to the contest, to be chosen by the parties respectively, in the room behind the railing where the election is held, to act as challengers of voters at the election; and such challengers may remain with the board of education until the votes are all canvassed and the result declared.

Ballot boxes.

SEC. 11. The judges of election, or one (1) of them, immediately before the proclamation is made of the opening of the polls, shall open the ballot boxes in the presence of the people there assembled, and turn them upside down, so as to empty them of anything that is in them, and then lock them; and the key thereof shall be delivered to one of the judges, and the said boxes shall not be reopened until for the purpose of counting the ballots therein at the close of the polls; and the judges forthwith shall proclaim that the polls are open. Written notice of the hour of closing the polls shall be conspicuously posted up outside the polling place.

SEC. 12. No elector shall vote except in the district in which he actually resides.

SEC. 13. The only method of voting under this act at any election shall be by ballot, and all ballots hereafter voted at any election in cities of ten thousand (10,000) inhabitants or over, shall be printed as hereinafter provided.

Ballots, how
printed.

SEC. 14. There shall be one (1) plain white ballot, upon which shall be printed the names of all candidates for

office who are voted for throughout the entire state, and all amendments to the constitution of the state to be submitted to the electors thereof. If the names of the presidential electors make a ballot too long for convenience, they may be printed upon a separate white ballot.

White ballot
for state.

SEC. 15. There shall be one (1) ballot printed blue, upon which shall be printed the names of all candidates for office not included in section fourteen (14) who are voted for throughout the entire county.

Blue ballot
for county.

SEC. 16. There shall be one (1) ballot tinted red, upon which shall be printed the names of all candidates for office not included in sections fourteen (14) and fifteen (15) and who are voted for throughout the whole city, ward or precinct thereof, but no candidate's name shall be placed upon the ballots furnished to the judges of election at any polling place who is not properly to be voted for at such polling place.

Red ballot for
city.

SEC. 17. The plain white ballots shall be printed by the state auditor, and bound in blocks of one hundred (100) ballots to the block, the expense whereof shall be defrayed from the state treasury, and shall by the state auditor be distributed to the auditors of the different counties, in such quantities as shall be necessary to enable the city clerks to fully comply with the provisions of section twenty (20) of this act; such ballots to be furnished the county auditor at least eighteen (18) days before election, and a receipt, stating the number of ballots and the date on which they were received, shall be taken therefor.

State Auditor
to furnish
white ballots.

SEC. 18. The ballots tinted blue shall be printed by the county auditor of each county, and bound in blocks of one hundred (100) ballots to the block, the expense whereof shall be defrayed from the county treasury, and shall be distributed by the county auditor, together with the ballots received from the state auditor, to city clerks within his county, in such quantities as shall be necessary to enable such clerks to fully comply with the provisions of section twenty (20) of this act; such ballots to be furnished such clerks at least eight (8) days before election, and receipts stating the number and color of ballots and the date on which they were received, shall be taken therefor.

County Audi-
tor to furnish
blue ballots.

SEC. 19. The ballots tinted red shall be printed by the city clerks, and bound in blocks of one hundred (100) ballots to the block, the expense whereof shall be defrayed from the city treasury, and shall, together with the white and blue ballots and printed instructions hereinafter provided for, be distributed by the city clerks to the judges of election for each polling place, and receipts stating the number and color of ballots and the date on which they were received, shall be taken therefor. *Provided, however,* that whenever the district of a representative in congress of the United States, or of a representative or senator to

City Clerks to
furnish red
ballots.

the state legislature, extends further than the limits of a single city, then and in that case, the ballot for such representative or senator shall be printed by the county auditor on the ballots tinted blue.

Number of ballots to each polling place.

SEC. 20. Each city clerk shall provide for each polling place or election district in his city, village or township, one hundred (100) ballots of each kind to be voted in the district for every fifty or fraction of fifty electors registered at the last preceding election in the district.

Duty of judges to have ballots on hand at opening of polls.

SEC. 21. It shall be the duty of the judges of election to whom said blocks of ballots are given, to have them, together with the printed instructions, at the polling place in the district in which they are the judges, at the opening of the polls on the day of election.

Nominations to office.

SEC. 22. Any assembly or convention of delegates held for the purpose of making nominations to public office, and also electors to the number hereinafter specified, may nominate candidates for public office to be filled by election within the state.

Certificates of nomination.

Said nominations shall be made by delivering to, and leaving with the officer charged by this act with printing the ballots upon which the name is to be placed, within the time prescribed by section twenty-six (26) of this act, a certificate of nomination for each candidate. The certificate of nomination, which may consist of one or more writings, shall contain, first, the name of the person nominated; second, the office for which he is nominated; third, the party or political principle he represents (expressed in not more than three (3) words); fourth, his place of residence with street and number thereon, if any. In case of electors of president and vice-president of the United States, the names of the candidates for president and vice-president may be added to the party or political appellation.

To be certified by presiding officer and secretary of convention.

The certificate of nomination of a candidate for office selected by any convention of delegates, as herein defined, shall be signed and certified by the presiding officer and secretary of said convention, who shall also take and subscribe an oath before some proper officer that the facts stated in the certificates are true, and the secretary shall immediately deliver such certificate of nomination to the officer charged with the printing of the ballot upon which the name is to be placed, and in case he shall neglect to do so he shall be guilty of a misdemeanor.

Assembly or convention defined.

An assembly or convention of delegates within the meaning of the act is an organized assemblage of electors or delegates representing a political party, which at the last election before the holding of such convention or assembly polled at least one (1) per cent. of the entire vote cast in the state, county or other division or district for which the nomination is made.

The certificate of nomination of a candidate selected otherwise than by a convention of delegates, shall be sign-

ed by electors resident within the district or political division from which the candidate is presented to a number equal to one (1) per cent. of the entire vote cast to the last preceding election in the state, county, or other political division or district from which the nomination is made, *Provided, however,* that the number of signatures required in the case of any state officer shall not exceed two thousand (2,000).

Certificates of candidates elected by other than a convention.

No certificate of nomination shall contain the name of more than one (1) candidate. No person shall join in nominating more than one (1) nominee for the same office.

Following the facts required to be stated in each certificate of nomination to be signed by electors shall be written or printed an oath in the following form: "I solemnly swear (or affirm) that I know the content and purpose of this certificate and sign the same of my free will." Each signer at the time of signing shall be sworn by some proper officer.

Facts to be stated in certificate.

The state and county auditors, and city clerks, shall respectively place upon the several ballots printed by them the name of each candidate for office who shall have been nominated as hereinbefore provided, and whose certificate of nomination has been presented within the time specified, and on payment of the fee prescribed by law which shall be for the white ticket fifty (50) dollars, for each name tendered, to be paid into the state treasury; for the blue ticket ten (10) dollars for each name tendered, to be paid into the county treasury, for the red ticket five (5) dollars, for each name tendered, to be paid into the city treasury.

Duties of State and County Auditors as to placing names upon ballots.

Each such officer shall place upon the ticket by him to be printed, only the names of the candidates who are nominated to offices proper to be placed upon such ticket by him to be printed under the provisions of this act, and he shall file and preserve all certificates of nomination.

Fees.

SEC. 23. The form of the ballots shall be both in size and style substantially as printed in exhibit "A" hereto annexed and made a part of this bill, with such headings as shall be appropriate. The name of the candidate for each office shall follow the name of the office in capital letters in the order in which they are handed in. Before each candidate's name shall be repeated the name of the office for which he is running, and after his name, his politics shall be designated. Opposite to each candidate's name in the margin shall be left a vacant space in which the elector shall designate his vote by a cross (X) mark.

Form of ballot, size, style and how printed.

There shall be left at the end of the list of names of candidates for each office, a blank space in the same dimensions as the other spaces, in which the voter may place the name of any other person for whom he desires to vote, whose name is not printed on the ballot.

SEC. 24. Names must be handed to the state auditor to

Time of handing names of candidates to respective officers to be placed on ballots

be placed upon the white ballots, in accordance with the provisions of this act, at least twenty-eight (28) days before the day of election. Names must be handed to the county auditor to be placed on the ballots tinted blue at least ten (10) days before the day of election. Names must be handed to the city clerk to be placed upon the ballot tinted red at least four (4) days before election. In all cases provided for in this section, the state auditor, county auditor and city clerk shall immediately give or send the person handing in any name or names to be placed upon the ticket an acknowledgment thereof upon the same in which it is received.

Constitutional amendments, how to be placed upon ballots.

SEC. 25. Whenever a constitutional amendment or other public measure is proposed to be voted upon by the people the substance of such amendment or other public measure shall be clearly indicated upon the white ballot, and two spaces shall be left upon the margin, one for votes favoring the amendment or public measure to be designated by the word "yes," and one for votes opposing the amendment or measure to be designated by the word "no." The elector shall designate his vote by a cross mark, thus (X). In case, however, the measure is one affecting only a portion of the state and to be voted for locally it shall be placed upon the ballot tinted blue.

Proposed amendment to the constitution giving judges a life term of office and making them appointive.	YES	
	NO	

But at the next general election at which constitutional amendments are submitted to a vote of the people the state auditor may vary this form to conform to the provisions of the enactment proposing such amendments.

Penalty for neglect of duty

SEC. 26. Any state or county auditor, or city clerk who shall fail to perform the duties required of him by this act within the time designated for the performance of them shall be deemed guilty of a misdemeanor, and shall be punished by a fine not less than two hundred (200) nor more than one thousand (1,000) dollars, or by imprisonment not less than thirty (30) days nor more than two (2) years, or both such fine and imprisonment, in the discretion of the court.

Procedure in case of error or omission.

Whenever it shall appear by affidavit that an error or omission has occurred in the publication of the names or the description of candidates for office, or in the printing of the ballots, the supreme court of the state, or a judge thereof, may, upon application of any elector, by order, require the officer upon whom rests the duty of printing such ballots in which such mistake occurs, to correct the same, or to show cause forthwith, why such error should not be corrected.

SEC. 27. At the polling places the following arrangement shall be observed: There shall be provided boxes for voting, as many in number as the kind of ballots voted, one (1) ballot box painted white, one (1) painted red and one (1) painted blue.

Polling places, ballot boxes, arrangements for electors.

There shall be provided in the room in which the inspectors of election sit, or immediately adjoining thereto, not less than two (2) booths or compartments for every hundred electors registered, according to the diagram below, so constructed that the voter can retire from observation, and there shall be placed in said compartment an indellible pencil or pen and ink to enable the voter to mark the ballot. Each compartment shall either be provided with a door or a curtain, so that the voter while preparing his ballot may be shielded from observation.



SEC. 28. In case the compartments shall be in the same room in which the judges of election sit to receive the ballots, the place where they sit and the portion of the room where the compartments are constructed shall be separated from the rest of the room by a railing so constructed as to leave a space of at least six (6) feet in front of the compartments and ballot boxes.

Compartments in same room, how separated.

SEC. 29. No person or persons shall be allowed in the room containing the ballot boxes, or in case the ballot boxes and the compartments are in the same room, no person or persons shall be allowed to go or remain inside the railing mentioned in the preceding section, except members of the board, officers of the peace, one (1) representative for each of the parties represented on the ticket, policemen, and electors who are about to vote, except as provided for in section thirty-nine (39) of this act. The number of electors about to vote who shall be admitted at one time shall in no case exceed the number of compartments by more than three (3). The judges of election and ballot boxes shall at all times be in public view.

Persons who are allowed in room containing ballot boxes.

SEC. 30. The judges of election may make such arrangements for entrance to and exit from the room or place where the ballot boxes and compartments are situated as to them may seem the most advantageous and convenient, *provided*, they disregard none of the foregoing requirements. They may also make such regulations as they deem proper, limiting the time in which an elector may remain in the polling room or place while receiving, preparing and voting his ballot; such limitation, however, shall not be less than three (3) nor more than ten (10) minutes,

Arrangements for entrance and exit.

unless the delay is occasioned by the elector's vote being challenged, or is the fault of the judges.

How to vote.

SEC. 31. When an elector presents himself for the purpose of voting, one (1) of the judges of election, after ascertaining that he is entitled to vote, shall tear from the blocks a ballot of each kind that is to be voted, place his (the judge's) initials upon the back of the ballots and hand the same to the voter, who shall retire alone to one (1) of the compartments above mentioned, and there prepare his ballot by placing a cross (×) mark opposite the name of each candidate for whom he wishes to vote, in the place upon the margin left for that purpose. *Provided*, however, that any elector who desires to vote for all the candidates nominated by one political party or organization, may make a cross (×) mark near the head of the ballot, in the proper place, opposite the name of some one candidate nominated by such party or organization, and shall then be deemed to have voted for all the nominees of such party or organization. After having prepared his ballots as indicated he shall then fold them so that the face of the ballots will be concealed, but so that the initials of the judge may be seen upon the back, and coming from the compartment shall hand the ballots to one (1) of the judges, designated by them to receive ballots, who shall deposit the same in the proper boxes. The elector shall then retire from the voting room or compartment.

Electors must not show ballots.

SEC. 32. If any elector, after having marked his ballot, shows it to any one except as hereinafter provided, the judge of election shall refuse to receive or place in the ballot box such ticket.

Mistakes in marking names.

SEC. 33. If the elector place a cross (×) mark opposite the names of more persons than are entitled to the office for which they are candidates, said ballot shall not be counted for those officers so voted in excess, but it shall be as to those officers null and void. If any elector inadvertently spoils a ballot, he may obtain another from the board by returning the spoiled ballot to the board, and the board shall preserve said ballot for return to the county auditor.

Spoiled ballots

Ballots, duties of judges.

SEC. 34. The judge having charge of the ballots in the voting room shall not tear them off from the block upon which they are bound, except as they are required by the electors for voting, and the judges shall preserve the unused ballots, together with the ballots that have been spoiled, and return the same to the county auditor with a statement of the number of ballots used, and the county auditor shall give the judges of election a receipt therefor.

Ballots, how marked.

SEC. 35. No ballot shall be distributed except in the voting room to electors about to vote, and no ballot which has not the initials of a judge of election, in said judge's own handwriting, on the back thereof shall be placed in the box. If any person, during the day of election and

until the closing of the polls, remove from the polling room any of the ballots printed for that election, said person shall be guilty of a misdemeanor, and shall be punished by a fine not exceeding one hundred (100) dollars, or imprisonment not exceeding six (6) months, or both.

Penalty for removing ballots from polling room.

SEC. 36. Uniform printed instructions to voters, printed in large type upon cards, shall be furnished by the state auditor to the county auditor of each county, which contains a city of ten thousand (10,000) inhabitants or over, containing any information that will enable the voters to quickly make and correctly designate their choice, and the county auditors shall furnish such cards to the city clerks in the county. Such clerks shall furnish such cards to each polling place, one (1) of which shall be hung in each compartment, two (2) in the polling room, and two (2) on the outside of the building in which the voting takes place. Whenever the county auditor of any county notifies the state auditor that the printed instructions are also needed in a foreign language or languages, and such foreign language is stated, then it shall be the duty of the state auditor to furnish such printed instructions in such foreign language or languages.

Printed instructions to be furnished by State Auditor.

SEC. 37. No election shall be held, nor shall any election be appointed to be held, in any saloon, or barroom, or in any room or place contiguous with or adjoining thereto. Should any place be designated or appointed for holding an election in violation hereof, or become subject to such objection, after having been so designated, the judges of election shall have power, and it shall be their duty, on or before the day of such election, and before the opening of the polls on such day, to procure a suitable place, as near thereto as may be, not subject to like objection. Said judges of election shall meet at the place first designated at the time for opening the polls, and after any vacancies in their number shall have been filled, adjourn to the place chosen by them, and at the time of such adjournment give public notice by proclamation, to the electors present, of such change, and post in a conspicuous manner notice of the place where such election shall be held, and all expense attending such change shall be certified by such judges to the proper authorities, and shall be allowed and paid accordingly.

Election shall not be held in saloon or bar-room.

SEC. 38. Any person or persons introducing in any way, upon election day, into the place where an election is being held, any spirituous liquors, and any judge or clerk of an election drinking any such liquor in such place, or being intoxicated therein, upon election day shall be deemed guilty of a misdemeanor, and upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine not exceeding one hundred dollars (\$100), or by imprisonment not exceeding sixty (60) days, or by both such fine and imprisonment in the discretion of the court. No spirituous, malt or intoxicating liquor shall be sold or

Spirituous liquors prohibited at polling places.

Penalty.

Saloons must be closed on election days.

given away, nor shall any store, saloon or bar-room where such liquor is sold or given away be open on any general or special election day from the hour of five (5) o'clock in the forenoon, to the hour of eight (8) o'clock in the afternoon. Whoever violates the provisions of this section shall be fined not less than one hundred (100) dollars nor more than three hundred (300) dollars for each offense. It shall be the duty of the mayor, sheriff, constable and other officers and magistrates to see that the provisions of this section are enforced, and it shall be the duty of the mayor on the day next preceding any election, to issue a proclamation that the provisions of this section will be strictly enforced. In case the mayor fail to perform the duties herein described he shall be subject to a fine of one thousand (1,000) dollars, or imprisonment in the county jail for sixty (60) days or both, in the discretion of the court.

Penalty.

Mayor to issue proclamation.

Electors who cannot read can call to his aid a qualified elector.

SEC. 39. When any elector shall make oath that he cannot read, or that he cannot read english, or that because of physical disability he cannot mark his ballot, he shall have the right to call to his aid a qualified elector, who may read the ballot to and mark the ballot for such voter, in the presence of the judges of election, provided that no one person shall so mark the ballots of more than six (6) such electors in any one (1) election district at one (1) election; and provided further, that such person shall mark the ballot of such voter as directed by such voter, and not otherwise.

Penalty for disclosing ballot.

SEC. 40. Any judge of election, person marking the vote of an elector, or any other person who discloses to any person the name of any candidate for whom such elector has voted, or shall mark the vote of an elector in any other manner than directed by such elector, shall be deemed guilty of a misdemeanor, and shall on conviction thereof be punished by a fine of not less than thirty (30) dollars nor more than two hundred (200) dollars, or by imprisonment in county jail not less than ten (10) nor more than ninety (90) days, or both such fine and imprisonment, at the discretion of the court.

Penalty for persuading an elector.

SEC. 41. It shall be unlawful for the judges of election or any of them, or any person in the polling room or compartments therewith connected, to persuade or to endeavor to persuade any person to vote for any particular candidate. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor for each and every person so approached, and on conviction thereof shall be punished by a fine not exceeding one hundred (100) dollars, or imprisonment not exceeding ninety (90) days.

Penalty for neglect or refusal of judges.

SEC. 42. Any judge of election who shall neglect or refuse to perform the duties required of him by this act, shall be deemed guilty of a misdemeanor for each and every separate offense, and shall be punished for each of-

fense by a fine of not less than one hundred (100) dollars nor more than three hundred (300) dollars, or by imprisonment not less than thirty (30) nor more than ninety (90) days, or both such fine and imprisonment, in the discretion of the court.

SEC. 43. No person shall, during the election, remove or destroy any of the supplies or other conveniences placed in the booths or compartments as aforesaid for the purpose of enabling the voter to prepare his ballot. No person shall, during an election, remove, tear down, or deface the cards printed for the instruction of voters. Any person wilfully violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

Misdemeanor to destroy supplies or tear down instructions.

SEC. 44. The judge to whom a ballot is delivered by an elector after the same has been prepared, shall, upon the receipt of the same, pronounce in an audible voice the name of the person from whom the ballot is received; and, if the name of the person is found on the list or register before mentioned, the said judge, shall, without opening the said ballot, or permitting the same to be opened or examined, deposit the same in the proper ballot box, and the clerks or judges of election shall thereupon distinctly check the name of said person on the lists or registers.

Procedure on receiving ballot from an elector.

SEC. 45. Each clerk of the polls shall make a poll list, which shall contain one (1) column headed "number," one (1) column headed "residence," one (1) column headed "names of voters," and as many additional columns as there are boxes kept at the election. The head of each additional column shall correspond with the name of one (1) of the boxes so kept, viz: white, blue and red.

Poll lists, duties of clerks.

SEC. 46. The name of each elector voting shall be entered by each clerk in the column of his poll list headed, "names of voters," the place of the residence of each elector so voting, in the column headed "residence," and when there shall be more than one (1) box kept, opposite such name shall be written the figure one (1) in every remaining column of such poll list corresponding in heading with the name of each box in which a vote of the elector shall be deposited. In the column headed "number," the clerk shall write consecutively the number of each person voting, the first vote being numbered one (1). Said clerk shall enter in a column opposite the name of each person not registered the words, "not registered."

SEC. 47. Every elector at the time of offering his vote, shall truly state the name of the street in which he resides and if the house, lodging or tenement, where he resides, is numbered, the number thereof; but clerks of the polls, if the registers contain correctly such names and residence, need not make an entry of the residence. In case of his refusal to make the statement aforesaid, the vote of the elector shall not be received.

Duties of elector when offering vote.

Disposition of
poll lists and
registers after
the canvass.

SEC. 48. After the canvass of the votes, one (1) of said poll lists or registers so kept and checked as aforesaid shall be attached together, and on the following day shall be filed in the office of the city clerk; the other of said poll lists or registers so kept and checks shall be returned to the office of the county auditor in said district at the time the returns of the election are made. The register shall at all times be open to public inspection at the office of the authorities in which they shall be deposited, without charge.

Challenges.

SEC. 49. Each judge of election shall challenge any person offering to have his name inserted in the poll list, or to vote at any election, whom he knows or suspects to be not duly qualified as an elector.

SEC. 50. If any person offering to vote at any election shall be challenged in relation to his right to vote at the election, by the judge or by any other person entitled to vote at the same poll, one of the judges shall tender him the following oath:

Oath on being
challenged.

"You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector at this election?"

Questions to be
asked by judge.

The judges, or one of them, shall then proceed to question the person challenged regarding his name, his age, his then place of residence, how long he has resided in the town, ward or election district where the vote is offered, where was his last place of residence before he came to that town or ward, and as to his citizenship whether a native or naturalized citizen, and if the latter, when, where, and what court and before what officer he was naturalized; whether he came into the town or ward for the purpose of voting at that election, and how long he contemplates residing in the town or ward; and such other questions as tend to test his capabilities as a resident in the town or ward and his right to vote at the polls.

Refusal to
answer
questions.

SEC. 51. If the person so challenged refuses to answer the questions that are put to him, as aforesaid, the judges shall refuse to insert his name in the poll list, and he shall not be allowed to vote.

Oath in case
challenge is
not withdrawn.

SEC. 52. If the challenge is not withdrawn after the person so offering to vote has answered the questions put to him as aforesaid, one (1) of the judges of election shall tender him the following oath: "You do swear (or affirm) that you are a citizen of the United States, or that you have declared your intention to become such citizen conformably to the laws of the United States on the subject of naturalization; that you are twenty-one (21) years of age, and have been a resident of the United States for one (1) year and an inhabitant of this state for four (4) months immediately preceding this election, and an actual resident of this election district for ten (10) days immediately pre-

ceding this election; that you have not voted at this election."

SEC. 53. If any person refuse to take the oath so tendered, his name shall not be inserted on the poll list and he shall not be allowed to vote.

Refusal to take oath.

SEC. 54. As soon as the polls are finally closed, of which closing proclamation shall be made by one (1) of the judges thirty (30) minutes previous thereto, the judges shall proceed to canvass the votes taken at such election, and the said canvass shall be public and continued without intermission until complete and the result declared. The canvass shall commence by taking out of each box the ballots unopened (except so far as to ascertain whether every ballot is single) and counting the same to ascertain whether the number of ballots corresponds to the number appearing on the poll lists to have been cast in such box; if two (2) or more ballots be found to be so folded together as to present the appearance of a single ballot, they shall be laid aside until the counting of the ballots is completed; then if, on a comparison of the said [list] with the number of ballots appearing to have been cast in such box, it appears that the two (2) ballots so found folded together were cast by one (1) elector, they shall be preserved and laid to one side. If the ballots in any box are found to exceed in number the number of votes cast in such box, they shall be first examined to ascertain if they are all properly marked with the initials of the judge having charge of the ballots, and in case they are found not so marked, they shall be preserved and laid to one side. If there is still an excess of ballots above the registry of votes, they shall be replaced in the box, and one (1) of the judges, without looking shall draw from the box a number of ballots equal to such excess and the same shall be laid aside. The number of ballots agreeing, or being thus made to agree, with the number of votes appearing in the columns of the poll list, corresponding to the respective boxes, the list shall be signed by the judges and attested by the clerks, and the number of names thereof checked as aforesaid shall be stated in words and figures at the foot of said list and over the signatures of the judges and the attestation of the clerk in the manner hereinafter provided in the form of said lists. The ballots so laid aside as aforesaid shall be attached to a certificate made by the judges stating the reason why the ballots were so laid aside, and the certificates and ballots attached shall be sealed up in a separate envelope and returned to the county auditor with the other returns.

Votes, how canvassed.

SEC. 55. The list of electors provided for herein shall be substantially in the following form, to-wit:

"List of qualified electors in the election district composed of the ——— (ward as the case may be) of ———, in the county of ———, state of Minnesota, for an election to be held in the said election district, on the ——— day of

List of electors voting, form of

_____, eighteen hundred and _____. (The surnames to be inserted in alphabetical order.

The whole number of the above named persons who were present and voting at the above named election was (the number to be written in words and figures), signed by the judges of election, attested by the clerks of election."

Result of count distinctly read.

SEC. 56. After the said lists are thus signed, the judges shall proceed to count and ascertain the number of votes cast for each person voted for, and the result shall then be distinctly read; and as soon as read and canvassed, the ticket shall be strung by one of the judges upon a stout string, and as soon as practicable after the completion of the said canvass, shall be deposited in the office of the city clerk and carefully preserved therein until the next general election; and the clerks of election shall set down on a paper, to be known as the returns of election, the names of each person voted for, written out at length, the office for which such person received any votes, and the number of votes he received, the number being written out in words and also in figures. The said returns shall be as nearly as possible in the following form, to-wit:

Returns, form of.

At an election held at _____ in the (number, if any,) election district, composed of _____ (ward as the case may be), in the county of _____, in the state of Minnesota, on the _____ day of _____, eighteen hundred _____, the following named persons received the number of votes opposite their respective names for the following described offices, to-wit: For (specifying the office) A. received (the number to be written in figures and also at length) votes, (and likewise for every person voted for any office), to be signed by the judges of election and attested by the clerks of election. Votes rejected by the judges and not counted for any reason shall be disposed of as hereinbefore provided.

Ballot not invalidated if not in proper box.

SEC. 57. No ballot appearing to be properly and regularly voted, found in a box other than the one in which it properly should be, shall be rejected, but shall be counted in the same manner as if found in the proper box; provided that the counting of such ballot or ballots shall not produce an excess above the number of votes designated on the poll lists. The boxes used at such election shall be opened and the votes therein canvassed in the manner above provided, but as nearly as may be in the following order: First—The box containing the white ballots. Second—The box containing the ballots tinted blue. Third—The box containing the ballots tinted red.

Returns, how disposed of.

SEC. 58. After the canvass is thus completed, the judges of election, before they are dispersed, shall include the said returns in an envelope, seal the same, and endorse thereon the following words: "Election returns of the election district of (naming name of ward or town), in the

county ———," and direct the same to the county auditor of that county, and the said returns shall forthwith be conveyed by one of said judges, to be chosen by lot if not otherwise agreed upon, and delivered to the said county auditor at his office.

SEC. 59. A true copy of the returns made by the judges shall also be made and certified by them and forthwith filed by them in the office of the city clerk.

SEC. 60. At all elections to be held under this chapter the judges and clerks of election shall receive, as compensation for their services, the sum of three (3) dollars each per day, and all special constables the sum of two (2) dollars per day, to be paid out of the treasury of the proper city.

Compensation of judges and clerks.

SEC. 61. No election returns shall be refused by any auditor for the reason that the same are returned or delivered to him in any other than the manner directed herein; nor shall the canvassing board of any county refuse to include any returns in their estimated votes, on account of any informality in holding any election or making returns thereof, but all returns shall be received and the votes canvassed by such canvassing board, and included in the statements, provided there is a substantial compliance with the provision of this chapter.

Returns shall not be refused on account of informality.

SEC. 62. During any day on which any general or special city election is held, no civil process shall be served upon any elector entitled to vote at any election.

Civil process cannot be served on election day.

SEC. 63. The secretary of state shall provide uniform blanks for making lists or registers required by law, and affidavits and all other blanks necessary to be used in the several election districts at any elections; he shall also provide copies of this law and transmit the same to the auditor of each county at least thirty (30) days before any election; and the auditor shall forthwith deliver to the clerk of every city in his county the necessary copies of each of said blanks, and one (1) copy of the said law for each election district in his town or city.

Secretary of State to provide uniform blanks.

SEC. 64. Every auditor, chairman of the board of county commissioners and justice of the peace shall receive for services performed under this chapter the following fees: For making the statements for every one hundred (100) words eight (8) cents; for every certificate with seal attached to statements, thirty (30) cents; which fees shall be allowed by the board of county commissioners of the proper county and paid by the county treasurer upon the warrant of the county auditor.

Compensation to auditor, et. al.

SEC. 65. In all incorporated cities of ten thousand (10,000) inhabitants or over, the persons authorized by, or appointed pursuant to law, to act as judges and the clerks of election in any such city, or any ward or other election district in such city, in this state, shall constitute a board of registry for their respective cities, wards or election dis-

Board of registry, times of meeting, duties.

tricts, and shall meet on Tuesday, three (3) weeks preceding any general, state or city election and fourteen (14) days before any special election. Said board shall meet at nine (9) o'clock in the morning, at the place where the last election was held, or at such other place that may be lawfully designated for the polling place in the election district in which such board are judges and clerks, and shall continue in session until seven (7) o'clock in the afternoon; they shall proceed to make a registration as hereinafter prescribed of all persons entitled to vote at the ensuing election in such election districts; such registration, when completed, shall constitute and be known as the register of electors of such election district. Two (2) such registers shall be made by said board. Such board shall have and exercise the same right to preserve order at their meetings as is given to judges of election to preserve order on election day, and vacancies in said board shall be filled in the same manner as such vacancies are filled at election.

Form of
register.

SEC. 66. Said register shall be in form substantially as follows:

Form of register.

Name.	Voted.	Residence.		Place of Nativity.	Color.	Length of residence.						Naturalized or Declared Intention.	Date of Papers.	Court or Place.	Where last Registered.		Remarks.
		Number.	Street or Avenue.			U. S.	State.	District.	Years.	Months.	Days.				Years.	Months.		Days.	Ward.	District.
Anderson, John.....	213	Third Ave.	Norway.....	White..	3	2	0	2	0	15	Yes.....	Dec., 1885..	St. Paul...	3	2	
Allen, Thomas.....	1814	Grant.....	Mass.....	"	12	10	.....	.....	.....	.....	Yes.....	.....	.....	6	1	
Austin Geo.....	27	Superior..	Georgia...	Color'd	.....	9	.....	.....	.....	.....	"	.....	.....	1	0	Not qualif'd.

Board of
registry, duties
in making
registers at
first meeting.

Said board shall enter all names in said registers, alphabetically by surnames; they shall enter therein the name of all persons residing in their election district whose names appear in the poll list in said district at the last preceding election as having voted thereat, except such as are known to the board to have since died, removed from the district or become disqualified; and so far as known to any of said board, the proper entries shall be made opposite each name in the different names in said registry. In addition to the names on said poll list, the board shall enter in said registers the names of all persons who shall personally appear before them for registration. One (1) of the judges of election shall administer to all persons appearing personally before him for registration the following oath of affirmation: "You do solemnly swear (or affirm) that you will fully and truly answer such questions as shall be put to you touching your place of residence, name, place of birth, and the qualifications as an elector, and your right to register and vote under the laws of this state." One of the judges shall then ask each of the said persons appearing before them the questions necessary to properly fill out the spaces opposite the names of such persons in the various columns of the register. The clerks or other members of the board, shall enter the names of such persons in the registers, and the answers to the questions in the appropriate columns therein. In the column headed "residence" shall be entered the name and number of the street or other location of the dwelling, if there be a definite number; if not, such clear and definite description of the place of such dwelling as shall enable it to be readily ascertained. If more than one (1) family be residing in the house there shall be entered floor on which the applicant resides, of the number of the room or rooms occupied by him. The register shall be ruled, and one (1) name shall be written on each line; but no name shall be written between the lines, and if the name of any person be so written, such person shall not be entitled or allowed to vote, unless his name shall also appear properly on a line in said register. At the end of each day's registry the board shall carefully compare the registers and make them to correspond and agree, and the judges of election shall sign their names at the end of the list on every page of such registry, so that no new names can be added without discovery, and shall also sign and attach to such register a certificate in substance as follows: "We the undersigned judges of election in the _____ district of the _____ ward, of the city of _____, in the state of Minnesota, do jointly and severally certify that, at the general registration of electors in said election district on the _____ day of _____, 18____, there were registered by us in said election precinct the names which in this book are inserted, and that the number of registered and qualified voters was

and is the number of ——” (number to be written in figures and in words.) Such registers shall, before ten (10) o'clock in the forenoon of the next day, be deposited by one (1) of said board in the office of the city clerk or recorder, whose duty it shall be to safely keep the same.

SEC. 67. On Tuesday, two (2) weeks preceding any general election, and on the thirteenth (13th) day preceding any special election, said board of registration shall again meet, at the same place as before, and remain in public session from nine (9) o'clock until seven (7) o'clock in the afternoon, for the purpose of registering all qualified voters whose names are not yet registered and who shall apply in person for the purpose. They shall obtain from the city clerk or recorder, and use, the same registers as on the first (1st) day. The same forms shall be observed in regard to registration as were required upon the first (1st) day of registration; but no person shall be registered who does not personally appear before the board for that purpose. At the end of such day's registration the registers shall be compared and made to agree, and shall be signed as at the end of the first (1st) day's registration, and similar certificates attached thereto. It shall be the duty of the clerks of election composing said board, during the session of that day and before the board adjourns, to make a copy of all the names upon such registers, together with the addresses as indicated in such registers. Immediately after its completion, said copy shall be conspicuously posted up outside the place of registration, with a notice of the time when such board of registration will meet for a completion and final correction of its registers, and shall be accessible to any elector who may desire to examine or copy the same. The registers shall be returned by one (1) of said board to the office of the city clerk or recorder before ten (10) o'clock in the forenoon of the day next succeeding the day of registration.

Board of
registry, duties
at second
meeting.

SEC. 68. On Tuesday one (1) week preceding the day of any election and on the day one (1) week preceding any special election, said board of registration shall again meet at the same place as before for the completion and final correction of said register. They shall again obtain the same register before used from the city clerk or recorder's office, and shall be in session from twelve (12) o'clock noon until nine (9) o'clock in the afternoon. Any qualified elector, not already registered, may apply to said board to have his name inserted in said register; the same rule for registration required on previous days shall be observed by the board,—but no person shall be registered who does not personally appear before the board for that purpose. It shall be the duty of said board to erase from the registers the name of any person inserted therein who shall be proved on the oath of two (2) qualified electors of such

Board of
registry, duties
at third
meeting.

district, to the satisfaction of the board, to be in any way disqualified to vote in such district at the ensuing election. At the end of the session the registers shall be again compared and be made to agree and correspond, and shall be signed and certified by the board as before, and deposited in the city clerk or recorder's office; before the said board adjourn or separate they shall prepare a copy of all the names and their respective addresses appearing upon such registers, and post the same conspicuously forthwith outside the place of registration.

SEC. 69. Whenever it shall appear, by the answer of the applicant for registration, or shall be known to the board of registry that the applicant has registered in another district in the same city than the one at which he makes his application the board shall not enter his name in said register until he produces a certificate of removal to be given him by the board of such other district, which may be in the following form: "This is to certify that the name of _____, heretofore residing at _____ in this election district, has been by us, the board of registry of this district, stricken from the registration of this precinct, at his request, upon his affidavit of removal. The following entries appear upon the register of this election district concerning him (add entries in various columns of register)". Signed by the board of registry of former place of registration. The above certificate shall be granted by such board upon and only upon the applicant making and subscribing the following affidavit which shall be written or printed upon the back of such certificate: "I, _____, do solemnly swear (or affirm) that I now reside (street and number) in ward number _____, in the city of _____, that I am duly entered as a qualified voter in the registers of the _____ district in the _____ ward of said city as residing at No. _____ (street or avenue); that I have removed from the last mentioned residence, and do hereby request the proper entries and record be made, and that my name be erased from the registers of the last mentioned district and a certificate of removal furnished me." If a person remove from one place in a district to another place in the same district, his vote shall not be received at any election unless he appear personally before the board of registration and cause the registers to be changed.

SEC. 70. The vote of no person whose name does not appear in said registers as a qualified voter shall be received by the judges at any election; except the vote of a person whose name was registered and erased, as provided in the last section, and who takes the oath required by section seventy-three (73) of this act.

SEC. 71. On the day preceding any election, the judges of election [shall] procure such registers from the office of the city clerk or recorder, one (1) being procured by a judge

Change of
registration
certificate of
removal.

Persons not
registered
cannot vote,
exception.

representing one (1) of the two (2) [leading] political parties and the other by a judge representing the other of the two (2) leading political parties; the ballot boxes shall be delivered to the clerk of election, with the keys thereof and with poll books and all blanks and stationery necessary to such election.

Registers and ballot boxes, how procured and delivered.

SEC. 72. The election shall be conducted as hereinbefore provided, except, as required by the next section.

SEC. 73. One (1) of the said judges of election shall receive the ballot or ballots from each person offering to vote and shall announce the name and residence of such person in an audible voice. The other two (2) judges shall use and handle the two (2) registers delivered to said judges by said city clerk or recorder, each using one (1). When the name is found by both upon the registers, and the residence given by the voter corresponds with the residence on such register, and the name is not erased, then said judges shall receive such ballot or ballots unless such voter is challenged. Said judges shall then put the ballot or ballots in the proper box or boxes, in the presence of the voter and of the judges and clerks of election and in the presence of the public. The judges having charge of such registers shall then, in a column prepared thereon in the same line of the voter's name, mark "voted", or the letter "V." If such person so registered shall be challenged as disqualified, the person challenging shall assign the reason therefor, and thereupon one (1) of said judges shall administer to him an oath to answer questions; and if he shall take said oath then he shall be questioned by said judges touching such cause of challenge and touching any other cause of disqualification, and he may also be questioned by the person challenging him in regard to his qualifications and identity. But if a majority of the judges are of the opinion that he is the person so registered and a qualified voter, his vote shall be received accordingly. But if such vote be rejected by the judges, such person may afterwards produce and deliver to such judges an affidavit subscribed and sworn to by him before one (1) of said judges, or any other person authorized by law to administer oaths, who shall be present at such polling place, in which it shall be stated how long he has resided in such district, county and state; that he is a citizen of the United States, a duly qualified voter in such district, stating with precision his place of residence, and that he is the identical person named in said register. He shall also produce the affidavit of a registered voter who is known to all the judges of election and is a householder in such district, stating his own residence and that he knows such person offering to vote; that he does reside at the place mentioned and has resided in such district and county for the period stated by such person; which affidavit shall be subscribed and sworn to in the same way. Whereupon the votes of such

Ballots, how received and deposited.

Procedure in case of challenge.

persons shall be received and numbered and entered as other votes. But such clerks and the judges in charge of the registers shall state in their respective books the facts in such case; and the affidavit so delivered to such judge shall be preserved and returned with the books and registers to the office of the city clerk or recorder.

Refusal to perform duty, corruption, etc., punishable by fine and imprisonment.

SEC. 74. If any judge or clerk of election, or any other officer, or any other person required by this chapter to perform any act or thing whatever, shall willfully fail or refuse to perform such act or thing, or shall be guilty of any fraud, corruption, partiality or misbehavior in canvassing or making any returns of votes, or shall wrongfully refuse to make or deliver any certificate of election, or shall wilfully perform any act or thing falsely or corruptly in any manner, he shall be guilty of a felony, and, on conviction thereof, shall be punished by imprisonment in the state prison for a term not less than six (6) months nor more than one (1) year, or by a fine of not less than five hundred (500) dollars nor more than two thousand (2,000) dollars, or both, in the discretion of the court. The provisions of this section to apply in all cases coming within the provision of this chapter where other punishment is not specifically provided for.

Illegal voting, penalty for.

SEC. 75. Whoever wilfully votes in any election district in which he does not actually reside, shall be guilty of a misdemeanor, and, on conviction thereof, be imprisoned in the county jail for a term not less than one (1) month nor more than six (6) months.

SEC. 76. Whoever votes more than once at the same election shall be guilty of felony, and, on conviction thereof, shall be punished by imprisonment in the state prison for a term not less than six (6) months nor more than one (1) year.

SEC. 77. Any resident of another state who votes in this state is guilty of felony, and, on conviction thereof, shall be punished by imprisonment in the state prison for a term not less than one (1) month nor more than one (1) year.

SEC. 78. Whoever, not being a qualified voter, votes at any election with unlawful intent is guilty of felony, and, on conviction thereof, shall be punished by imprisonment in the state prison not less than one (1) month nor more than one (1) year.

Influencing another to vote subject to penalty.

SEC. 79. Whoever aids, assists, counsels or advises another to vote, knowing that such person is not duly qualified to vote at the place where and the time when the vote is to be given, is guilty of misdemeanor, and on conviction thereof shall be subject to a fine of not more than five hundred (500) dollars nor less than one hundred (100) dollars, or be imprisoned in the county jail not less than one (1) month nor more than six (6) months.

SEC. 80. Whoever procures, aids, assists, counsels or advises another to go or come into any county, town or

election district for the purpose of giving his vote therein, knowing that the person is not duly qualified to vote therein, is guilty of felony, and on conviction thereof shall be punished by imprisonment in the state prison for a term not less than six (6) months nor more than one (1) year.

SEC. 81. Whoever, by threat or bribery, attempts to influence any elector in giving his vote for any person or measure or by such means attempts to deter him from voting for any person or measure, is guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine of not less than one hundred (100) nor more than one thousand (1,000) dollars and by imprisonment in the county jail not less than one (1) month nor more than six (6) months.

SEC. 82. Whoever, after proclamation is made of the opening of the polls and at any time before the vote is fully canvassed shall wilfully offer or deliver to a judge of election, to be placed in a box or boxes more than one (1) ballot of the same kind and color or shall fraudulently put a ballot in to any box or boxes is guilty of a felony, and on conviction thereof shall be punished by imprisonment in the state prison for a term not less than six (6) months nor more than one (1) year.

SEC. 83. If any person challenged, as unqualified to vote, be guilty of false or corrupt swearing or affirmation in taking any oath or affirmation prescribed by this chapter, he shall be deemed to have committed wilfull and corrupt perjury, and upon conviction thereof shall suffer the punishment attached by the laws of this state to the crime of perjury.

SEC. 84. Whoever shall wilfully take or carry away from the place where has been deposited or shall deface or mutilate, damage or add to any poll book, ballot, list or register or any name or figure therein, shall on conviction thereof be fined in a sum not exceeding one thousand (1,000) dollars, or be imprisoned in the state prison not longer than one (1) year or both, in the discretion of the court.

SEC. 85. Any person who shall take or deface any list of names posted by any board of registration as hereinbefore provided for, shall be guilty of a misdemeanor, and on conviction thereof be punished by a fine of fifty (50) dollars or be imprisoned in the county jail for the term of sixty (60) days, or both, in the discretion of the court.

SEC. 86. Any person who shall cause his name to be registered in more than one (1) election district, or who shall cause his name to be registered knowing that he is not a qualified elector in the district where such registry is made, or who shall falsely represent any registered voter, and any person causing, aiding or abetting any person to do either of said acts, shall, upon conviction thereof, be punished for each offense by imprisonment in the state prison

Illegal voting,
penalty for.

False swearing,
penalty for.

Mutilation of
poll book, etc.,
penalty for.

Defacing list of
posted names,
penalty for.

Duplicate
registration,
penalty for.

for a term not less than one (1) year. All intentional false swearing before a board of registration shall be deemed wilful and corrupt perjury, and, on conviction thereof, punished as such.

Duty of County Attorney to prosecute.

SEC. 87. It shall be the duty of the county attorney in each county in this state to prosecute any person violating any other provisions of this chapter, and to sue for and enforce all penalties incurred for a violation of this chapter or any part thereof, upon his own motion, or upon the complaint of his county, accompanied by the requisite proof of such offense or offenses.

Fines to be paid into county treasury.

SEC. 88. All fines incurred or collected under this chapter shall be paid into the county treasury where the offense is committed, for the use of the common schools of such county.

Fraud at primary elections.

SEC. 85. If at any political primary election or caucus held by any political party, organization or association in this state, any individual shall falsely personate and vote under the name of any other person, or shall intentionally vote without the right to do so, or shall wilfully and wrongfully obstruct and prevent others from voting who have the right to do so at such primary, or shall fraudulently and wrongfully conceal or destroy ballots cast, or in any manner intentionally and wrongfully deposit ballots in the ballot box or take them therefrom, or shall commit any other fraud or wrong intending to defeat the will of the people or effect the result of the election, he shall be deemed guilty of a misdemeanor.

Primary elections, duties of presiding officer and inspectors.

SEC. 90. The presiding officer and inspectors at any such primary election or caucus, shall, before entering upon their duties, severally sign and swear to an oath in form now required by inspectors at general election. The vote or ballot of any person offered at such election shall, upon challenge by any lawful voter thereat, be rejected unless he be sworn as to his qualifications as such voter, and the presiding officer or any inspector of such primary is hereby empowered, and it shall be his duty to administer an oath to such person and to any other person offering to vote, as he may deem advisable, to the effect that he will true answers make to such questions as shall be put to him touching his qualifications as a voter and right to vote. He may then be examined as to such qualifications and right to vote. If he will swear to the necessary qualifications of a voter, as prescribed by the regulations of the association holding the primary, or convention, his vote shall be received. If the person so sworn and examined shall intentionally swear falsely as to his qualifications as a voter, he shall be deemed guilty of perjury, and shall, on conviction, be punished as now prescribed by law for the crime of perjury.

SEC. 91. If any person acting as inspector, teller or canvasser at any such primary election shall knowingly re-

ceive the vote of any individual who shall have been challenged or who is known to him not to be entitled by the regulations of the association holding the primary election to vote at such primary, unless the same shall first be sworn in as aforesaid, or shall in any manner fraudulently and wrongfully deposit or put any ballot into, or take any from, the ballot box of said primary election, or shall fraudulently or wrongfully mix any ballots with those cast at said primary election, or shall knowingly mix any false count, canvass, statement, certificate or returns of the ballots cast or vote taken at such primary, he shall be deemed guilty of a misdemeanor.

Fraud on part of inspectors a misdemeanor.

SEC. 92. If any person elected a delegate at any such primary or convention shall accept or receive any money or valuable thing as a consideration for his vote as such delegate he shall be deemed guilty of a misdemeanor.

SEC. 93. The words "primary election," as used in this act, shall be construed so as to embrace all elections held by any political party, convention, organization or association, or delegates therefrom for the purpose of choosing candidates for office or the election of delegates to other conventions, or for the purpose of electing officers of any political party, organization, convention or association. No person shall be entitled to vote at any primary election unless he is a qualified elector of this state.

"Primary election" defined.

SEC. 94. This act shall apply to all elections in cities of ten thousand (10,000) or more inhabitants (the population to be determined by the state or national census next preceding the election) but to no other portion of the state. All laws now in force relating to elections shall apply to all other portions of the state, and where the same do not conflict and are not inconsistent herewith they shall apply to the class of cities herein mentioned.

Act to apply in cities of 10,000 or more inhabitants.

SEC. 95. All acts and parts of acts inconsistent herewith are hereby repealed so far as the same apply to cities of ten thousand (10,000) inhabitants and over.

Inconsistent acts repealed.

SEC. 96. This act shall take effect and be in force from and after its passage.

When act to take effect.

Approved April 24, 1889.

EXHIBIT A.

(APPEARS IN THE ENGROSSED BILL, BUT NOT IN THE ENROLLED BILL.)

STATE BALLOT.

Form of ballot

Governor—CYRUS G. LUCE—Republican.	X	Vote for one.
Governor—GEORGE L. YAPLE—Democrat.		
Governor—SAMUEL DICKIE—Prohibition.		
Governor—		
Lieut.-Governor—JAMES H. McDONALD—Republican.	X	Vote for one.
Lieut.-Governor—S. S. CURRY—Democrat.		
Lieut.-Governor—CHARLES MOSHER—Prohibition.		
Lieut.-Governor—		
Secretary of State—GIL R. OSMUN—Republican.	X	Vote for one.
Secretary of State—P. B. WACHTEL—Democrat.		
Secretary of State—JOHN EVANS—Prohibition.		
Secretary of State—		
State Treasurer—GEORGE L. MALTZ—Republican.		Vote for one.
State Treasurer—WM. G. BEARD—Democrat.	X	
State Treasurer—AARON C. FISHER—Prohibition.		
State Treasurer—		
State Auditor—HENRY H. APLIN—Republican.		Vote for one.
State Auditor—JOHN D. FARRAR—Democrat.		
State Auditor—S. B. WILLIAMS—Prohibition.	X	
State Auditor—		
Attorney General—MOSES TAGGART—Republican.		Vote for one.
Attorney General—JOHN C. DONNELLY—Democrat.		
Attorney General—JAMES R. LAING—Prohibition.		
Attorney General—		
Associate Justice Sup. Ct.—JOSH. ESTABROOK—Republican.		Vote for one.
Associate Justice Sup. Ct.—DAVID PARSONS—Democrat.		
Associate Justice Sup. Ct.—DAVIS BEMIS—Prohibition.		
Associate Justice Sup. Ct.—		